



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**AUG 08 2011**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article Number: 7006-2760-0000-8645-5406

Mr. James Melton  
Operations Supervisor  
Resource Recovery Landfill  
4237 County Rd. 5300  
Cherryvale, Kansas 67335

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for Resource Recovery Landfill, 4237 County Rd. 5300, Cherryvale, Kansas 67335

Dear Mr. Melton:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the Resource Recovery Landfill in Cherryvale, Kansas. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Resource Recovery Landfill, and finds Resource Recovery Landfill acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

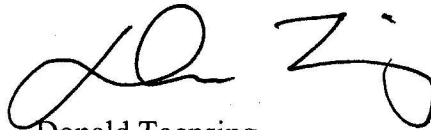
EPA corresponded with the Kansas Department of Health and Environment (KDHE) to determine Resource Recovery Landfill's compliance with applicable environmental standards. The results of the correspondence indicate that Resource Recovery Landfill is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, Resource Recovery Landfill is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.



By issuing this notice, EPA is in no way authorizing Resource Recovery Landfill to undertake any waste management practice at this facility for which Resource Recovery Landfill has not been previously authorized by EPA or KDHE.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald Toensing', with a stylized flourish at the end.

Donald Toensing  
Branch Chief

Waste Enforcement and Material Management Branch

cc: Mr. Jim Rudeen, Kansas Department of Health and Environment  
Kansas Department of Health and Environment District Office

Mr. Darrin Kempker, Environmental Manager  
Jefferson City Landfill  
5605 Moreau River Access Road  
Jefferson City, Missouri 65101